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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,081	01/24/2002	Jean-Pol Boutique	7694X	1654

27752 7590 07/06/2004

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/048,081	Applicant(s) BOUTIQUE ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on April 19, 2004.
2. The cancellation of claims 2-5, 15-17 is acknowledged. Claims 1, 6-14 are pending.
3. The rejection of claim 17 under 35 U.S.C. 112, second paragraph is rendered moot in view of applicants' cancellation of this claim.
4. **Claim 12 is objected** to because of the following informalities: the period at the end of the currently amended claim has been inadvertently omitted (please see original claim 12).
Appropriate correction is required.
5. The rejection of claims 1, 3-5 under 35 U.S.C. 102(b) as being anticipated by Wahl et al. (US Patent No. 5,759,990 is withdrawn in view of applicants' amendment.
6. The rejection of claims 1, 3-5 under 35 U.S.C. 102(b) as being anticipated by Cooper et al. (WO 98/12293) is withdrawn in view of applicants' amendment.
7. The rejection of claims 1, 3-5 under 35 U.S.C. 102(a) as being anticipated by Wahl et al. (WO 98/47991) is withdrawn in view of applicants' amendment.
8. The rejection of claims 1, 3-5 under 35 U.S.C. 102(a) as being anticipated by Tordil et al. (WO 98/53035) is withdrawn in view of applicants' amendment.

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9. The rejection of claims 1, 3-5 under 35 U.S.C. 102(e) as being anticipated by Wahl et al. (US Patent No. 5,877,145) is withdrawn in view of applicants' amendment.

10. The rejection of claims 1, 3-5 under 35 U.S.C. 102(e) as being anticipated by Trinh et al. (US Patent No. 5,977,055) is withdrawn in view of applicants' amendment.

11. Claims 1, 6-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (US Patent No. 5,814,592), hereinafter "Kahn" for the reasons set forth in the previous office action.

12. The rejection of claims 1, 15-17 under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (US Patent No. 5,747,443) is withdrawn in view of applicants' amendment.

Response to Arguments

13. Applicant's arguments filed April 19, 2004 have been fully considered but they are not persuasive.

With respect to the remaining rejection based upon Kahn, Applicants argue that the present claims have been amended to require that the composition be a liquid composition and comprise a hydrotrope wherein the hydrotrope is selected from 1,4 Cyclo Hexane Di Methanol; 1,6 hexanediol; 1,6 heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution

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with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride, and that Kahn fails to teach or suggest all of the elements of the amended claims.

The Examiner respectfully disagrees with the above argument because Kahn in col. 2, lines 43-54 teaches a non-aqueous liquid detergent compositions comprising a stable suspension of solid, substantially insoluble particulate material dispersed throughout a structured, surfactant containing liquid phase, wherein the composition comprises from about 45% to 95% by weight of a surfactant-containing structured liquid phase and in col. 6, lines 1-22, Kahn also teaches that the composition may comprise one or more non-surfactant, non-aqueous organic solvents one of which is 1,6-hexanediol (see col. 6, lines 1-22). The composition of Kahn comprises no quaternary compounds as those recited. Accordingly, Kahn teaches all the elements of the amended claims and one of ordinary skill in the art at the time the invention was made would have been motivated to have incorporated 1,6-hexanediol into the non-aqueous surfactant-containing composition because 1,6-hexanediol is one of the suitable non-aqueous organic solvents taught by Kahn.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

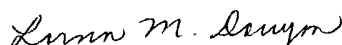
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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